

## JOURNAL OF THE HOUSE.

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Thursday, April 17, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, Our Creator and the Lord of History, we open today's legislative session with a prayer for guidance and with the intention and hope of serving You, our families and constituents in a faithful and thoughtful manner. In this era of worldwide political, social and economic changes, help us, as elected leaders, to understand accurately the complex and critical issues of the day.

Prayer.

The Jewish Community is about to observe and celebrate the historical and religious feast of Passover. We join our Jewish colleagues and friends in our thoughts and prayers as they remember God's love and concern for the people in Israel. May we remember that You, Our Creator, watch over and care for all of us each day and care for our material and spiritual well-being and our personal dignity.

Grant Your blessings to the Speaker, the members and employees of the House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Message from the Governor.*

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4684) was filed in the office of the Clerk on Tuesday, April 15.

Supplemental  
appropriations.

The message was read.

Sections 1 to 10, inclusive, sections 12 to 19, inclusive, and sections 21 to 27, inclusive, of the accompanying draft of a bill, were referred, under Rule 30, to the committee on Ways and Means.

Sections 11 and 20 were referred, under Rule 30, to the committee on the Judiciary.

Sent to the Senate for concurrence inasmuch as relates to sections 11 and 20.

### *Change in a House Committee.*

The Speaker announced that Representative Flanagan of Leominster had been relieved of duty (at her own request) from the committee on Ethics.

Ethics  
committee,  
resignation.

*Statement of Representative Sánchez of Boston.*

A statement of Mr. Sánchez of Boston was spread upon the records of the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Tuesday last due personal health matters. Any roll calls that I may have missed that day was due entirely to the reason stated.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Ayers of Quincy and other members of the House) congratulating the members of the Plumbing-Heating-Cooling Contractors Association on its one hundred and twenty-fifth anniversary;

Resolutions (filed by Mr. Costello of Newburyport) congratulating the Pioneer League of Newburyport on the occasion of its fiftieth anniversary;

Resolutions (filed by Mr. Galvin of Canton and other members of the House) congratulating the Massachusetts State Science & Engineering Fair on entering sixty years of operation;

Resolutions (filed by Ms. Kaprielian of Watertown and other members of the House) on the occasion of the Day of Remembrance of the Armenian Genocide; and

Resolutions (filed by Ms. Stanley of West Newbury) honoring Karen Helene Sarkisian on her retirement as superintendent of Whit-tier Regional Vocational Technical High School;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Spellane of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petitions.*

Representatives Ross of Wrentham and Senator Brown presented a joint petition (accompanied by bill, House, No. 4485) of Richard J. Ross and Scott P. Brown (by vote of the town) for legislation to establish a board of water and sewer commissioners in the town of Plainville; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Mr. Garballey of Arlington presented a petition (subject to Joint Rule 12) of Sean Garballey relative to the age requirement for fire fighters in cities and towns; and the same was referred, under Rule 24, to the committee on Rules.

*Reports of Committees.*

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning the

courts of the Commonwealth (House, No. 4614) reported, in part, asking to be discharged from further consideration of

the petition (accompanied by bill, House, No. 1638) of Eugene L. O'Flaherty and Kathi-Anne Reinstein relative to investigations of correctional officers;

the petition (accompanied by bill, House, No. 1690) of John F. Quinn relative to licensure of court reporters; and

the petition (accompanied by bill, House, No. 4416) of John W. Scibak relative to the appointment of a first assistant clerk for the Juvenile Court of Franklin and Hampshire counties;

And recommending that the same severally be recommitted to the committee on Judiciary.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4607) reported, in part, asking to be discharged from further consideration of

the petition (accompanied by bill, House, No. 409) of Robert K. Coughlin and Timothy P. Cahill that the Treasurer and Receiver-General of the Commonwealth be authorized to establish retirement plans for employees of non-profit organizations;

the petition (accompanied by bill, House, No. 4009) of Ruth B. Balser and others (with the approval of the mayor and board of aldermen) for legislation to reclassify the position of dedicated fire apparatus mechanic in the fire department of the city of Newton; and the petition (accompanied by bill, House, No. 4419) of John W. Scibak relative to exempting the position of school custodian in the town of South Hadley from the provisions of civil service law;

And recommending that the same severally be recommitted to the committee on Public Service.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Kaufman of Lexington, for the committee on Public Service, asking to be discharged from further consideration of so much of the petition (being sections 4 to 20, inclusive, 34 to 38, inclusive, and 40 to 43, inclusive) of the petition (accompanied by bill, House, No. 2401) of Joseph F. Wagner and others for legislation to increase the homeland security of the commonwealth by merging the Massachusetts Bay Transportation Authority police department into the department of state police; and recommending that the same be recommitted to the committee on Public Safety and Homeland Security.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, asking to be discharged from further consideration of the following bills:

Relative to student nutrition and wellness (House, No. 483); and Requiring school districts to adopt a certain health program (House, No. 539);

Correctional officers.

Court reporters, licensure.  
Franklin and Hampshire Juvenile Court.

Non-profits, retirement plans.

Newton, fire mechanic.

South Hadley, school custodians.

M BTA and State Police.

Student nutrition.  
Student health.

Statement of Representative Sánchez of Boston.

Plumbing-Heating-Cooling Contractors.

Newburyport, Pioneer League.

State Science & Engineering Fair.

Armenian Genocide, Day of Remembrance.  
Karen Helene Sarkisian.

Plainville, water and sewer.

Fire fighters, appointment.

MBTA and  
State Police,  
merger.

Missing  
children.

MBTA and  
State Police.

Lead paint,  
loan  
program.

Braintree,  
deleading.

Framingham,  
Correctional  
Institution.

Immigrants,  
public  
benefits.

Snow

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of

the petition (accompanied by bill, Senate, No. 1388) of John A. Hart, Jr., Gale D. Candaras and Brian A. Joyce for legislation to increase the homeland security of the Commonwealth by merging the Massachusetts Bay Transportation Authority Police Department into the Department of the State Police;

the petition (accompanied by bill, House, No. 2298) of Robert K. Coughlin and Bruce E. Tarr relative to establishing a missing child and adults trust fund; and

the residue of the petition (accompanied by bill, House, No. 2401) (being sections 1, 2, 3, 21 to 33, inclusive, 39 and 44 to 50, inclusive) of Joseph F. Wagner and others for legislation to increase the homeland security of the commonwealth by merging the Massachusetts Bay Transportation Authority police department into the department of state police;

And recommending that the same severally be referred to the House committee on Ways and Means;

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committees.

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2131) of John D. Keenan and others relative to expanding the lead paint abatement loan program,— and recommending that the same be referred to the committee on Housing;

By the same member, for the same committee, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4238) of Joseph R. Driscoll and others (by vote of the town) that housing owned and controlled by the historical society of the town of Braintree be exempt from certain deleading regulations,— and recommending that the same be referred to the committee on Municipalities and Regional Government; and

By the same member, for the same committee, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2237) of Tom Sannicandro and others for an investigation by a special commission (including members of the General Court) relative to health services and environmental conditions at the Massachusetts Correctional Institution at Framingham,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3803) of Jeffrey Davis Perry and others for legislation to require compliance with federal immigration laws for public benefits; and recommending that the same be referred to the committee on Public Service;

By Mr. Wagner of Chicopee, for the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3549) of Stephen Kulik for legislation to further define the term “snow vehicle”;— and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture;

By the same member, for the same committee, asking to be discharged from further consideration of

the petition (accompanied by bill, House, No. 3448) of Stephen R. Canessa and others relative to engaging in high speed chases; and

the petition (accompanied by bill, House, No. 3485) of Paul K. Frost and Edward M. Augustus, Jr., relative to fines for refusal to stop during police pursuit;

And recommending that the same severally be referred to the committee on the Judiciary;

By the same member, for the same committee, asking to be discharged from further consideration of

the petition (accompanied by bill, House, No. 4053) of Antonio F. D. Cabral and Mark C. Montigny (with the approval of the mayor and city council) that the city of New Bedford be authorized to adopt regulations for the operation of motorized bicycles and scooters on public ways within said city; and

the petition (accompanied by bill, House, No. 4482) of Cleon H. Turner for legislation to further regulate the maintenance of roads, bridges, beaches and other common areas in private subdivisions;

And recommending that the same severally be referred to the committee on Municipalities and Regional Government;

By the same member, for the same committee, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3632) of Carl M. Sciortino, Jr., and others that the Registrar of Motor Vehicles be authorized to promulgate rules for the regulation of car sharing organizations in the Commonwealth,— and recommending that the same be referred to the committee on Revenue;

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Mariano of Quincy, for the committee on Financial Services, on House, Nos. 909, 919, 920, 992, 1054, 1062, 1067 and 3740, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning renewal of insurance policies and other insurance matters. (House, No. 4686). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

vehicle,  
define.

High speed  
chases.

Police  
pursuits,  
fines.

New Bedford,  
bicycles and  
scooters.

Private roads,  
maintenance.

Car sharing,  
regulating.

Insurance  
renewal, study.

Regional  
health

care.

Community  
hospitals,  
study.Medication  
technicians.Tobacco,  
student use.Public  
buildings,  
disinfecting.Speech-lan-  
guage patholo-  
gists.Pharmacy,  
define.Health  
professionals.Drugs,  
wholesale  
distribution.Blood  
banking  
operations.Internet  
prescriptions.Prescription  
fraud.Physicians,  
drug  
education.Medical  
records.Schools and  
public  
buildings.  
Prescription  
drugs,  
unused.Minors,  
health care.Long-term  
care facilities.Particulates,  
health effects.

Health

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill relative to regional healthcare (House, No. 2043).

By the same member, for the same committee, on a petition, a Bill establishing a special commission to determine the capital needs of community hospitals (House, No. 2066).

By the same member, for the same committee, on a petition, a Bill relative to medication technician (House, No. 2077).

By the same member, for the same committee, on a petition, a Bill relative to student use of tobacco products (House, No. 2080).

By the same member, for the same committee, on a petition, a Bill to provide for the development of minimum disinfecting, cleaning, and maintenance requirements for schools, day care centers, and public buildings by the Department of Public Health (House, No. 2094).

By the same member, for the same committee, on a petition, a Bill relative to speech-language pathologists (House, No. 2110).

By the same member, for the same committee, on a petition, a Bill relative to the definition of a pharmacy (House, No. 2122).

By the same member, for the same committee, on a petition, a Bill relative to truth in advertising (House, No. 2133).

By the same member, for the same committee, on a petition, a Bill regarding wholesale licensure and prescription medication integrity (House, No. 2153).

By the same member, for the same committee, on House, Nos. 2157 and 2191, a Bill to increase patient protections of blood banking operations (House, No. 2157).

By the same member, for the same committee, on a petition, a Bill to create the Massachusetts Internet prescription consumer protection act (House, No. 2160).

By the same member, for the same committee, on a petition, a Bill to prevent prescription fraud (House, No. 2173).

By the same member, for the same committee, on a petition, a Bill preventing drug diversion through continuing education (House, No. 2176).

By the same member, for the same committee, on Senate, No. 1266 and House, Nos. 2179 and 2222, a Bill relative to hospital and clinic medical record retention (House, No. 2179).

By the same member, for the same committee, on a joint petition, a Bill relative to healthy schools and public buildings (House, No. 2181).

By the same member, for the same committee, on House, Nos. 2120, 2125, 2146, 2182, 2240, 2241 and 2242, a Bill to develop a pilot program for unused prescription medication disposal (House, No. 2182).

By the same member, for the same committee, on a petition, a Bill relative to the health care of minors (House, No. 2193).

By the same member, for the same committee, on a petition, a Bill further regulating long term care facilities (House, No. 2206).

By the same member, for the same committee, on a joint petition, a Bill relative to reporting on health effects of particulate matter (House, No. 2227).

By the same member, for the same committee, on House, Nos. 2161, 2163 and 2234, a Bill to eliminate racial and ethnic health disparities in the Commonwealth (House, No. 2234).

By the same member, for the same committee, on House, Nos. 2210, 2211 and 2238, a Bill prohibiting the use of latex gloves and products by persons who handle food (House, No. 2238).

By the same member, for the same committee, on a petition, a Bill to require health care entities to participate in the section 340B prescription drug discount program (House, No. 2243).

By the same member, for the same committee, on House, Nos. 2177 and 2255, a Bill to ensure quality, affordability and access to primary and preventive health care, to eliminate health disparities, and to enhance economic growth throughout the Commonwealth (House, No. 2255).

By the same member, for the same committee, on a petition, a Bill relative to the Department of Social Services (House, No. 2259).

By the same member, for the same committee, on a petition, a Bill relative to patient's rights (House, No. 2262).

By the same member, for the same committee, on a petition, a Resolve establishing a special commission to study and recommend improvements in the delivery of prescription drug benefits for the citizens of the Commonwealth (House, No. 2263).

By the same member, for the same committee, on a petition, a Bill relative to the voluntary closure of long term care facilities (House, No. 2267).

By the same member, for the same committee, on a petition, a Bill to improve end of life care (House, No. 3800).

By the same member, for the same committee, on a petition, a Bill relative to gentamycin pediatric risk notification (House, No. 3884).

By the same member, for the same committee, on a petition, a Bill relative to blood donation (House, No. 4547).

By the same member, for the same committee, on House, Nos. 66 and 2175, a Bill relative to the safeguarding and monitoring of prescription drugs (House, No. 4687).

By the same member, for the same committee, on House, No. 2166, a Bill to establish collaborative drug therapy management to improve pharmaceutical care for patients in Massachusetts (House, No. 4688).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 2, reported, in part, a Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4700) [Direct Appropriations: \$27,986,446,585.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under the provisions of House order, No. 4699, amended, it was placed in the Orders of the Day for Monday, April 28, 2008, for a second reading.

equity  
office.Food  
handling.Discount  
drug  
program.Health  
service  
corps.Social  
Services.Patients  
rights.Prescription  
drugs,  
study.Long term  
care  
facilities.End of life  
care.Gentamycin,  
risks.Minors,  
blood donations.Prescription  
drugs,  
monitoring.Pharmaceutical  
care.General  
Appropriation  
Bill.

*Engrossed Bills.*

Bill  
re-enacted.

The engrossed Bill authorizing the town of Wakefield to issue pension obligation bonds or notes (see Senate, No. 1650, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

The engrossed Bill providing for the establishment of a fire department in the town of Georgetown (see Senate, No. 2343, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Order.*

Next  
sitting.

On motion of Mr. DiMasi of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

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At nineteen minutes after eleven o'clock A.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.